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REQUEST FOR IMMEDIATE CLARIFICATION

Hon. Brian M. Cogan
Federal District Judge
Eastern District of New York
(by ECF)

By order received within the last hour today, this court stated in principal part [emph. added]

On September 4, 2012, I issued an order to unseal the case only to case participants and that ***going forward***, all filings concerning the civil contempt proceedings commenced by John Doe on February 10, 2012, shall be filed via ECF under 12-mc-0557.

Apparently, the parties have continued to file documents related to the civil contempt proceedings under 98-cr-1101. It has also come to the Court's attention that certain parties were not receiving notifications of ECF entries on 12-mc-0557. Those issues have been resolved.

The Court orders, again, that ***going forward***, all filings concerning the civil contempt proceedings Commenced by Doe shall be filed via ECF under 12-mc-0557¹.

Any objectors [to the unsealing of the docket of 12-mc-0557] should bear in mind that Judge Glasser has ordered the docket set for 98-cr-1101 unsealed and that a hearing for the purpose of determining whether ***any document filed in 98-cr-1101*** should be unsealed is to be held before Judge Glasser on October 2, 2012.

¹ The Court shall coordinate separately with the Clerk of the Court to arrange for certain **documents erroneously filed under 98-cr-1101, that should have been filed under 12-mc-557**, to be transferred to the 12-mc-557 docket.

I respectfully request immediate clarification that the court recognizes and intends that

- (1) The docket in 98-cr-1101 should (as it must) reflect the judicial events which are everything filed requesting Article III relief and every hearing or proceeding that occurred as to contempt **before** the effective date of its order to file contempt documents on 557, *a fortiori* before 557 even existed, as filing contempt documents on 98-cr-1101 before then could not have been error and indeed the transcripts of the two hearings show the expressed intent of the court that the contempt proceedings be on 1101.
- (2) Similarly, that the court intends and recognizes that the question whether the **contents** (and transcripts) of those filings and events themselves as judicial records should be unsealed should (as it must) be subject to the good discretion of Judge Glasser and to be resolved by him next week on October 9, 2012.

Because of time imminence given the Columbus Day holiday and the unsealing hearings in 98-CR-1101 to take place the next day, I request confirmation as soon as possible to avoid needless filings.

/s/ Frederick M. Oberlander